In support of the restriction requirement, the Office cites with particularity to Ting et al. (1988) DNA 7:275-286 and NCBI Protein Accession No: P11021. However, neither of these two documents, nor any of the other document cited by the Office impact the technical merits of the present claims. The Ting et al. document is directed to a glucose-regulating protein approximately 652 residues long. SEQ. ID. NOS: 1 and 2 are significantly shorter, at 639 and 633 residues, respectively. Likewise, the P11021 sequence is 654 residues long. The two sequences shown in Ting et al. and P11021 are also significantly different in their primary amino acid sequence as compared to the amino acid sequences recited in the present application. Thus, it is not seen how these documents relate to the technical merits of the present claims.

The Hsu et al. reference and the Witzman et al. reference are completely devoid of any amino acid sequence recitation for the proteins described therein. The Haas & Meo reference describes only a very short fragment of 142 residues. Thus, these references are irrelevant to the present claims.

Contrary to the assertion made in the Office Action, all of the subject claims do, in fact, relate to a single inventive concept, namely recombinant immunoglobulin heavy chain binding proteins, and the use of these proteins to treat inflammation, especially inflammation due to rheumatoid arthritis. Moreover, according to 37 CFR §1.475(b)(3), a national stage application will be considered to have unity of invention if the claims are drawn to a product, a process specially adapted for the manufacture of the product, and a use of the product. The present claims are drawn to such a combination of claim types, including the proteins and DNA encoding the proteins, pharmaceutical compositions containing the protein, and methods of using the proteins to treat inflammation.

It is therefore respectfully submitted that the present application does have unity of invention and all of claims 18-53 should be examined on the merits in this application.

Accordingly, because the Office has not set forth adequate reasons or examples for concluding that the claims of the restricted groups are patentably distinct, the restriction requirement is improper and should be withdrawn.

CONCLUSION

The application is now ready for examination on the merits. Early notification of such action is earnestly solicited.

Respectfully submitted,

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